

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

Matthew Dils,

Plaintiff,

vs.

No.:

Wal-Mart Stores Inc. and The Coca-Cola Company,

Defendants.

PETITION AND NOTICE OF REMOVAL TO FEDERAL COURT

TO: The United States District Court
Eastern District of Tennessee
800 Market Street, Suite 130
Knoxville, Tennessee 37902

PLEASE TAKE NOTICE that Defendants, Wal-Mart Stores, Inc. and Coca-Cola Consolidated, Inc., incorrectly named as The Coca-Cola Company, hereby remove this action, pursuant to 28 U.S.C. § 1441, from the Circuit Court for Knox County, Tennessee to the United States District Court for the Eastern District of Tennessee, and respectfully states to this Court as follows:

1. On or about June 3, 2019, Matthew Dils commenced a civil action against Defendants by filing a Complaint in the Circuit Court for Knox County, Tennessee.
2. The Plaintiff secured service of the Complaint on Defendants on June 7, 2019. The Plaintiffs' Complaint seeks damages in the amount of \$1,000,000.00. Copies of the Complaint and all other pleadings filed to date in the Knox County Circuit Court are attached hereto and incorporated by reference herein as *Collective Exhibit A*.

3. For the reasons stated below, this Court has jurisdiction over the state court action pursuant to 28 U.S.C. § 1332, because it is a civil action in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of costs and interest, and it is between citizens of different states.

I. The Defendants have satisfied the procedural requirements for removal.

4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), because it is filed “within thirty days after receipt by the defendant . . . of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” 28 U.S.C. § 1446(b) (2019).

5. The United States District for the Eastern District of Tennessee includes the county in which the state court action is now pending. Therefore, this Court is a proper venue for this action pursuant to 28 U.S.C. § 123(a)(3) and § 1441(a).

6. Pursuant to 28 U.S.C. § 1446(d), the Defendants have filed written notice of this removal with the Clerk of the State Court in which the action is currently pending. Copies of the Notice of Filing, together with this Notice of Removal, are being served upon Plaintiffs’ counsel pursuant to 28 U.S.C. § 1446(d).

II. Removal is proper in the present case.

7. The amended Complaint seeks damages in the amount of \$1,000,000.00 and therefore the amount in controversy of said action exceeds the sum or value of \$75,000.00. See *Collective Exhibit A*.

8. There is complete diversity between the Plaintiffs and the Defendants. In the Plaintiff’s Complaint, the Plaintiff admits that he is a citizen and resident of the State of Tennessee. (Compl. ¶ 1). The Plaintiff also admits in his Complaint that both

Defendants are foreign corporations. (Compl. ¶¶ 2-3). Thus, complete diversity exists among the parties in this case.

WHEREFORE, the Defendants respectfully remove this action from the Knox County Circuit Court, bearing docket number 3-203-19 to this Court.

This the 3rd day of July, 2019.

Respectfully submitted,

MCANGUS GOUDELOCK & COURIE, LLC

/s/ Joshua A. Wolfe
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ATTORNEY FOR WAL-MART STORES,
INC.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

This the 3rd day of July, 2019.

/s/ Joshua A. Wolfe
JOSHUA A. WOLFE